

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 21, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 10HD-197

HAWAII

Grant of Perpetual, Non-Exclusive Easement to the Hawaii Electric Light Company, Inc. (HELCO); Issuance of Construction Right-of-Entry for Access and Utility Purposes, Honokaia, Hamakua, Hawaii, Tax Map Key: 3rd/ 4-6-11: portions of 6 and 44.

APPLICANT:

Hawaii Electric Light Company, Inc. (HELCO), a Hawaii corporation.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Ahualoa Homesteads situated at Honokaia, Hamakua, Hawaii, identified by Tax Map Key: 3rd/ 4-6-011: portions of 6 and 44, as shown on the attached map labeled Exhibit A.

AREA:

Easement A: 2.927 acres, more or less. (portions traversing Parcel 44)

Easement C: .049 acres, more or less. (portions over Parcel 6, Upper Hamakua Ditch)

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES _____ NO x

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

For access and utility:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on July 8, 2010 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u> x </u>	NO
Registered business name confirmed:	YES <u> x </u>	NO
Applicant in good standing confirmed:	YES <u> x </u>	NO

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at

Applicant's own cost;

- 3) Pay appraised value of the easement and related fees prior to commencement with proposed construction work activities.

REMARKS:

Subject parcel was formerly under Governor's Executive Order No. 2827 to the County of Hawaii for Public Landfill purposes. By Governor's Executive Order No. 3297, dated September 3, 1985, Governor's Executive Order No. 2827 was cancelled, due to the relocation of the landfill to Puuanahulu. The subject parcel is currently unencumbered.

On February 23, 2006, the State Office of Environmental Quality Control published in The Environmental Notice the DWS Finding of No Significant Impact (FONSI) for the construction of the Ahualoa Production Well and Reservoir on State lands at Honokaia, Hamakua, Hawaii, Tax map Key: 3rd/4-6-011: 42.

On September 25, 2009, the Chairperson of the Board of Land and Natural Resources approved a 60-day right-of-entry to the County of Hawaii for conducting surveys in preparation of an environmental assessment relating to the proposed access and utility easement. The Final Environmental Assessment was completed on June 2010 and published in the OEQC Bulletin on July 8, 2010 with a finding of no significant impact.

By letter dated October 7, 2010, the County of Hawaii, on behalf of the Hawaii Electric Light Company, Inc., requested a perpetual, non-exclusive access and utility easement over unencumbered State lands at Honokaia, Hamakua, Hawaii, Tax Map Key: 3rd/4-6-011: portion of 6 & 44. The primary purpose of the proposed easement is to service overhead electrical transmission lines to a property set aside to the County of Hawaii for its Ahualoa Well & Reservoir Site, located at Tax Map Key: 3rd/4-6-011: 42. Portion of the easement will traverse unencumbered State lands under Parcel 44 and portions of the Upper Hamakua Ditch under Parcel 6. Staff is of the understanding that the electrical transmission lines will not only service the well site, but will also service private properties in the general vicinity, therefore the easement will not be gratis.

HELCO has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

Various governmental agencies and interest groups were solicited for comments during the Environmental Assessment process. All respondents had no objections to the request and the various concerns were addressed in the Final Environmental Assessment.


HELCO is requesting a construction right-of-entry. Staff has no objections, but will be issuing the construction right-of-entry after the completion of the appraisal process.


RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaii Electric Light Company, Inc.(HELCO), covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual, non-exclusive easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize issuance of a Construction Right-of-Entry to HELCO, its contractors, consultants, and/or persons acting for or on its behalf, subject to the following terms and conditions:
 - A. The standard terms and conditions of the most current construction right-of-entry document form, as may be amended from time to time;
 - B. This right-of-entry is effective upon HELCO's satisfactory completion of the following:
 - 1) Acceptance of the terms and conditions of the Right-of-Entry Permit;
 - 2) Providing proof of liability insurance, naming the State of Hawaii as an additional insured; and
 - 3) Payment of the full easement consideration amount plus related fees.

- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent 

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

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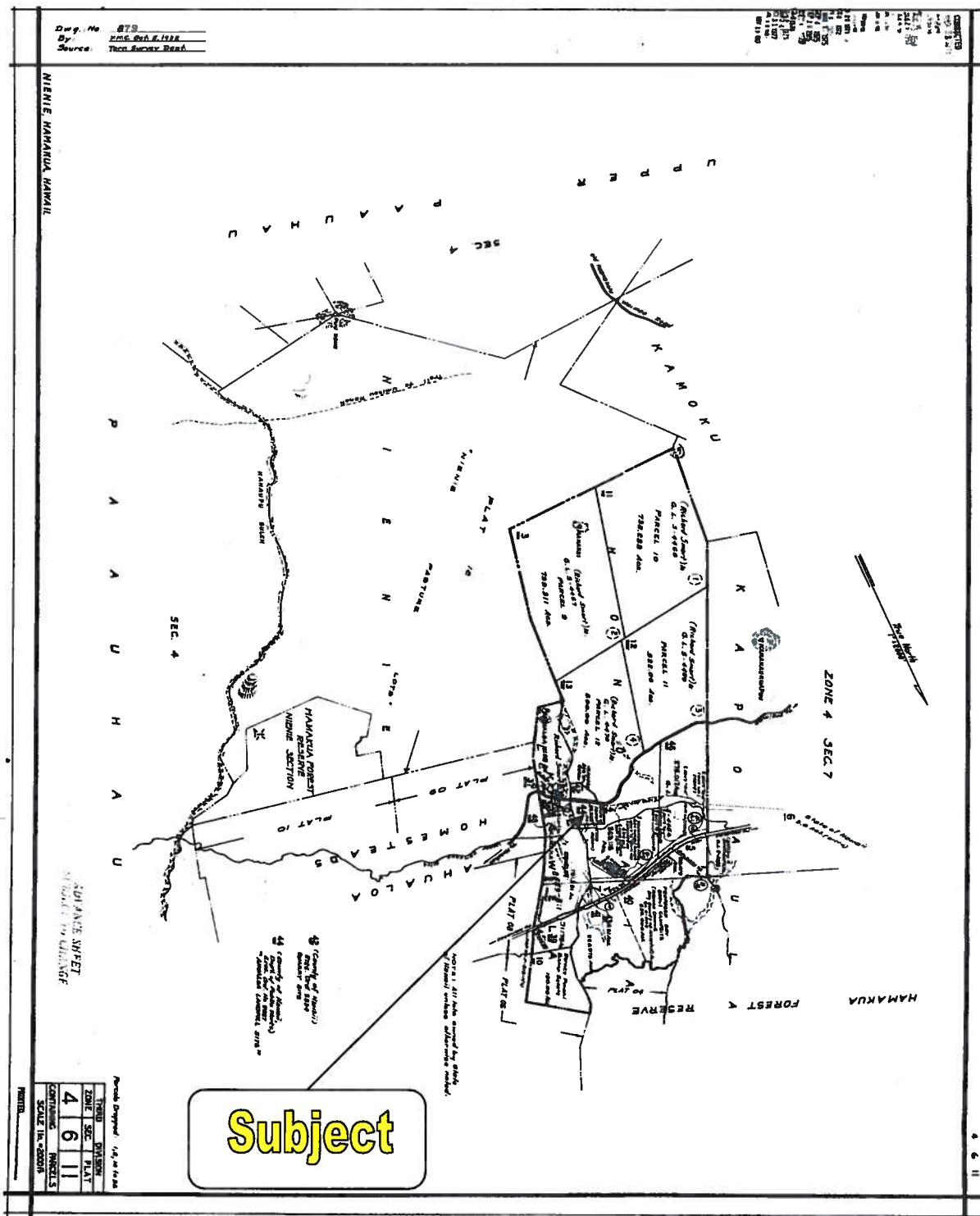


EXHIBIT A

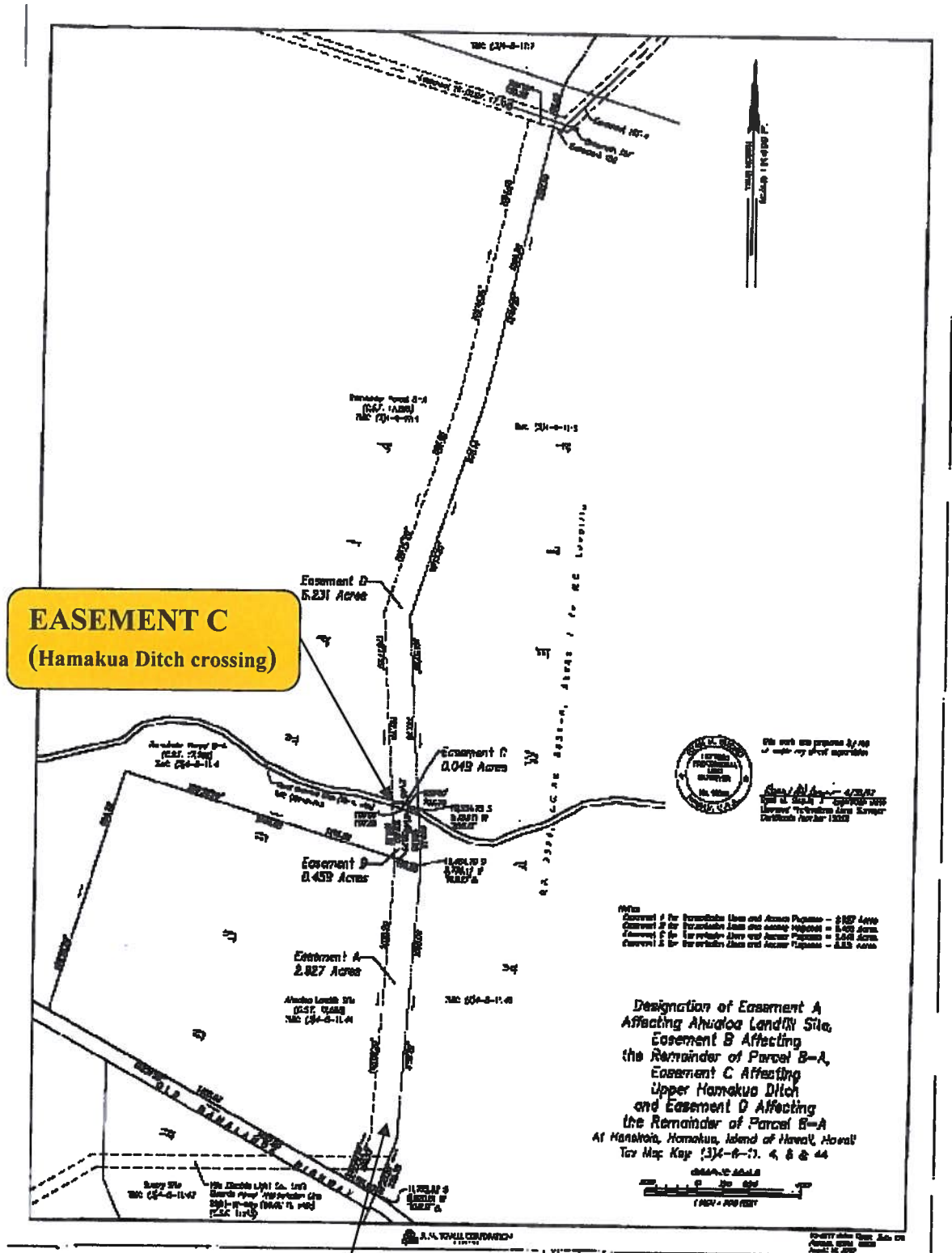


EXHIBIT A